

REMARKS

The present Response is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114, and therefore, entry of the Amendment dated February 20, 2009 and the present Response, review and consideration on the merits are respectfully requested.

The Remarks submitted with the Amendment for February 20, 2009 are incorporated herein by reference.

In the Advisory Action dated March 4, 2009, the Examiner was of the view that the negative limitation “without ultrasonic treatment” does not have proper support and raises the issue of new matter. Applicants respectfully disagree, and request the Examiner to reconsider in view of the fourth paragraph at page 6, line 21 to the second paragraph at page 7, line 17 of the specification which states:

“The present inventors have carried out extensive studies in order to attain the aforementioned object, and have found that the catalytic activity of an NO_x removal catalyst, particularly that of an NO_x removal catalyst which has been used with a NO_x removal apparatus for a flue gas from a boiler employing coal as a fuel, can be sufficiently restored by merely immersing the catalyst in pure water at ambient temperature, that the used catalyst regeneration water can be repeatedly used, and that the reused water can be treated in a comparatively simple manner by virtue of containing no heavy metal content. The present invention has been accomplished on the basis of these findings.

That is, the inventors have carried out extensive studies, and have found that the catalytic performance of an NO_x removal catalyst, particularly that of an NO_x removal catalyst which has been employed in a thermal power station employing coal as a fuel, can be sufficiently restored by merely immersing the catalyst in pure water at ambient temperature, since the substances which cover the surface of the NO_x removal catalyst to thereby deteriorate catalytic performance are Ca content (alkaline content) and S content (acidic content), which are readily eluted and removed. The present invention has been accomplished on the basis of these findings.” (Emphasis added.)

The present specification discloses different methods for treating the NO_x catalyst, and the working Examples demonstrate that the present method of regeneration is better than the alternative methods. For example, Comparative Example 2 (where the NO_x removal catalyst was subjected to micro-vibration) and Working Examples 1 and 2 (where the NO_x removal catalyst was simply immersed in under) clearly demonstrate that the use of abrasive methods or micro-vibration (i.e., ultrasonic treatment) are not desirable. Thus, when the above-noted passages of the specification are read in conjunction with the working examples, it is understood that "merely immersing" means without use of abrasive methods or without ultrasonic treatment. See also M.P.E.P. § 2173.05(i), which states that if alternative elements are positively recited in the specification, they may be explicitly excluded in the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 20, 2009